

The Oregon Justice League does not believe the State of Oregon has implemented Measure 91 in the spirit under which the law was passed. The OJL seeks to right these wrongs as well as provide a model for other states to implement a more just version of cannabis legalization.

Legalization was sold to Oregon citizens as a way to grow, develop and sustain our small business economies, end the discrimination of citizens based on their interactions with the cannabis plant and uphold, protect and ensure the right of medical cannabis patients to safe botanical access.

Therefore, the Legalization Justice Act of 2020 would make the following changes to Oregon law;

1. **Tax Revenues:** Redistribute recreational cannabis taxes in a way that promotes the social justice goals of cannabis legalization. Once passed, the LJA would designate 25 percent of tax revenues to funding community development and micro-lending initiatives that promote small businesses in minority and underserved communities disproportionately affected by the failed War on Drugs. An additional 25 percent would be designated to subsidize medical cannabis purchases for low-income patients with qualifying conditions under the OMMP who have lost their access to direct caregiving from growers. The remaining 50 percent can continue to be used at the state's discretion.
2. **Changes to Oregon Medical Marijuana Program:** Recognizing that cannabis as a botanical substance is recommended, not prescribed, a patient's right to choose botanical cannabis in their medical care in consultation with a doctor must not be impeded. Patients with incurable or chronic illnesses must be allowed by the Oregon Medical Marijuana Program to be issued a lifetime card if a qualifying physician recommends their cannabis use.

A transplant hospital or a licensed health care practitioner involved in the care of a recipient may not recommend that the recipient be removed from the list of potential recipients of anatomical gifts that is managed by the United Network for Organ Sharing, or its successor organization, exclusively on the basis that the recipient is a registry identification cardholder as defined in ORS 475B.791 and receives a positive result of a drug test for marijuana use.

The amendments to ORS 97.972 of this Act apply to a drug test administered to a registry identification cardholder as defined in ORS 475B.791 before, on or after the effective date of this Act.

ORS 475B.791 is amended to read: 475B.791. As used in ORS 475B.785 to 475B.949: (1) "Attending [physician] provider" means any of the following licensed health care providers who has primary responsibility for the care and treatment of a person diagnosed with a debilitating medical condition: (a) A physician licensed under ORS chapter 677 who has primary responsibility for the care and treatment of a person diagnosed with a debilitating medical condition. (b) A physician assistant licensed under ORS 677.505 to 677.525; (c) A naturopathic physician licensed under ORS chapter 685; or (d) A nurse practitioner licensed under ORS 678.375 to 678.390.

Producers of recreational or medical cannabis may enter into caregiving relationships with qualifying patients and provide medicine directly. The value of the product can be deducted from state cannabis excise taxes if the patient qualifies for low-income subsidization.

3. **Social Consumption Spaces:** Legalize and regulate cannabis social consumption cafes in a fashion that removes the discriminatory provision under the Oregon Indoor Clean Air Act so that cannabis users can inhale inside.

The Oregon Indoor Clean Air Act must be amended to allow smoking and vaporization of cannabis indoors. Directs the OLCC to regulate and oversee the licensing and regulation of cannabis lounges.

Allows existing cannabis dispensaries to add a social consumption space.

Allows for OLCC licensed farms to host tours and tastings, as regulated by the OLCC.

Directs the OLCC to license and regulate cannabis social consumption spaces at public events. Allows delivery of cannabis to temporary residents and residents of municipalities that have banned cannabis dispensing storefronts.

4. **Employment Protection:** Create employment protections under the law to protect off-the-job cannabis use and prevent discriminatory and conceptually flawed drug testing.

ORS 659A.315 is amended to read: 659A.315. (1) It is an unlawful employment practice for any employer to require, as a condition of employment, that any employee or prospective employee refrain from using [lawful tobacco products] a substance that is lawful to use under the laws of this state during non-working hours, except when the restriction relates to: (a) A bona fide occupational requirement qualification; or (b) The performance of work while impaired. (2) Subsection (1) of this section does not apply if an applicable collective bargaining agreement prohibits off-duty use of [tobacco products] the substance.

5. **Protect Oregon's Craft Cannabis Community:** Direct the state to directly advocate to the federal government for its craft cannabis community, specifically export of product out of Oregon's borders.

The Governor, or the Governor's designee, may enter into an agreement with another state for the purpose of cross-jurisdictional coordination and enforcement of marijuana-related businesses licensed to conduct business in either this state or the other state, provided that: (a) Under the laws of the other state, the production, processing, sale and testing of marijuana items is lawful; (b) The borders of this state abut the borders of the other state; and (c) With respect to the cross-jurisdictional transportation of marijuana items, the agreement prohibits: (A) The use of navigable airspace; (B) The use of any mode of transportation subject solely to federal regulation; and (C) The transportation of marijuana items through any state or territory of the United States that is not party to the agreement.

An agreement entered into under this section: (a) May provide for the cross-jurisdictional coordination and enforcement of marijuana producers, marijuana processors, marijuana wholesalers, marijuana retailers, marijuana testing laboratories and other lawful producers, processors, sellers and testers of marijuana items that are licensed or otherwise authorized to engage in the activity of producing, processing, selling or testing marijuana items in either this state or the other state. (b) May require the other state to establish the same or similar requirements on marijuana producers, marijuana processors, marijuana wholesalers, marijuana retailers, marijuana testing laboratories and other lawful producers, processors, sellers and testers of marijuana items that are consistent with the policies set forth under current Oregon law. (c) Must ensure enforceable public health and safety standards and include a system to regulate and track the purchase, sale, production, processing, transportation and delivery of marijuana items for marijuana producers, marijuana processors, marijuana wholesalers, marijuana retailers, marijuana testing laboratories and other lawful producers, processors, sellers and testers of marijuana items that are licensed or otherwise authorized to engage in the activity of producing, processing, selling or testing marijuana items by the other state. (d) May authorize an agency of this state to assist in the implementation and enforcement of the terms of the agreement.

